

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-20132-CR-BLOOM/ELFENBEIN

UNITED STATES OF AMERICA

v.

PAUL OSWALD MORANI,
a/k/a “Pablo Morales,”
a/k/a “Pablo Lorenzino,”

and

MARIA EUGENIA DELANNOY,
a/k/a “Mery,”
a/k/a “Mergot,”

FILED EX PARTE

Defendants.

**UNITED STATES’ *EX PARTE* MOTION TO AMEND POST-INDICTMENT
RESTRAINING ORDER [ECF No. 51] REGARDING RESTRAINED SUBJECT REAL
PROPERTY LOCATED AT 2201 AVENUE, UNIT 922, MIAMI BEACH, FLORIDA**

The UNITED STATES OF AMERICA (hereinafter, the “United States” or the “Government”) respectfully files this motion, *ex parte*, requesting the Court’s *Ex Parte* Restraining Order [ECF No. 51] (“Ex Parte Order”) be amended only with respect to the currently restrained real property known and numbered as 2201 Collins Avenue, Unit 922, Miami Beach, Florida (Folio No. 02-3234-218-2370), together with improvements, attachments, and fixtures thereon and therein (hereinafter, the “Subject Real Property”) based on the reasons set forth herein.

1. On April 17, 2024, the Court entered the *Ex Parte* Order pursuant to 21 U.S.C. § 853(e)(1)(A) and (4), which provides courts with jurisdiction to enter restraining orders and take such other action in connection with any property or other interest subject to forfeiture to ensure its

availability for forfeiture, and pursuant to this Court's inherent power to make orders necessary and proper to the orderly carrying on of litigation brought within the Court's jurisdiction. *See Ex Parte Order*, ECF No. 51.

2. The *Ex Parte* Order enjoins and restrains the Defendant and others with respect to the Subject Real Property, and any rent payments derived from its leasing, to maintain its availability for criminal forfeiture upon conviction in this case. *Id.*

3. The Subject Real Property is a residential dwelling unit of W South Beach Hotel and Residences ("W South Beach Hotel"), which is owned by 2201 Collins Fee, LLC (a Delaware Limited Liability Company) ("Hotel Owner").

4. After entry of the Court's *Ex Parte* Order, the Government was made aware that the Subject Real Property, which is titled in the name of Infinity Evolution LLC (a Florida Limited Liability Company) ("Infinity" or "Owner"), was subject to a Rental Program Agreement between Hotel Owner and Infinity. The Rental Program Agreement establishes the terms and conditions in accordance with which the Subject Real Property may be rented to guests of the W South Beach Hotel.

5. Counsel for the Hotel Owner informed the undersigned that the language in the *Ex Parte* Order requires modification to effectuate its purpose considering the Rental Program Agreement between Hotel Owner and Infinity.

6. Specifically, the Government was made aware that effective June 25, 2024, the Subject Real Property was permitted to continue to participate in the rental program, provided that any amounts otherwise due and payable to Owner in accordance with the terms of the Rental Program Agreement are required to be deposited into an escrow account designated by the United States Marshals Service (including amounts not distributed to Owner as of the date of the *Ex Parte* Order

pursuant to the terms of the Rental Program Agreement between April 01, 2024 and June 30, 2024) and that such amounts are required to be held in escrow pending the conclusion of the forfeiture proceedings, except that funds from the escrow account or payments received may be utilized to finance expenditures that would have been required of Owner pursuant to the Rental Program Agreement or as the Hotel Owner deems reasonably necessary for the maintenance of the Subject Real Property.

7. The United States now respectfully seeks to amend the *Ex Parte* Order modifying the restraint of the Subject Real Property accordingly to effectuate its purpose considering the Rental Program Agreement between Hotel Owner and Infinity.

WHEREFORE, the United States now respectfully seeks to amend the *Ex Parte* Order modifying the restraint of the Subject Real Property accordingly.

Respectfully submitted,

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